

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, applicant will address each of the Examiner's objections in the order they were discussed in the Official Action.

A. The specification has been amended at page 1, lines 3 and 8, and at page 4, line 18, to replace the recitation "hybridus" with --hybrida--.

B. The specification has been amended at page 1, line 12, to import the application serial no. for 'Cape Angels Pink', now --'P000306'-- as amended.

C. The specification has been amended at page 1, line 14 – 16, to replace the recitation: "The objective of the breeding program in which the mutation was detected is to improve current blue market cultivar 'Edelbau' by developing more compact growth habit, larger flowers and improved vigor." with the recitation -- The objective of the breeding program in which the mutation was detected is to improve upon the *Plectranthus* varieties currently available, such as the cultivar 'Edelbau' (unpatented) by developing a *Plectranthus* variety with more compact growth habit, larger flowers and improved vigor."

D. The specification has been amended at page 1, line 15, to clarify that the variety 'Edelbau' is unpatented in the U.S.

E. The specification has been amended at page 1, 2<sup>nd</sup> full paragraph, and at page 4, under the subheading “Parentage”, to clarify that this variety is a sport mutation of ‘Cape Angel Pink’, now --‘P000306’-- as amended.

F. The specification has been amended at page 1, 2<sup>nd</sup> full paragraph, to delete the sentence beginning on line 16 to line 19. This sentence was in reference to the grand-parents, parents of the variety ‘Cape Angel Pink’, now --‘P000306’-- as amended, as described at page 4, under the subheading “Parentage”.

G. The specification has been amended at page 2, lines 2 – 4, to correct reference to the “cross”.

H. The specification has been amended at page 3, line 6, to quantify the shorter production time.

I. The new variety is distinguished from another *Plectranthus* variety, ‘Cape Angels Pink’ (now --‘P000306’-- as amended), on page 3 of the specification.

J. A color photograph of the plant in its entirety is hereby filed in duplicate. The specification has been amended at page 4, 2<sup>nd</sup> full paragraph to describe the photograph hereby filed. This newly filed photograph is described (as amended) as the --first photographic drawing--; the close-up of the inflorescence as the second photographic drawing (as amended), and the close-up of the racemes as the third photographic drawing (as amended).

K. The specification has been amended at page 4, 2<sup>nd</sup> full paragraph, to correct the description of the photographs as filed.

L. The specification has been amended at page 5, line 18, to delete the term “brochidodromus”.

M. specification has been amended at page 6, line 1, to provide the average diameter of the petiole.

N. The specification has been amended at page 6, lines 7 – 8 to quantify the lastingness of the bloom.

O. The specification has been amended at page 6, line 12, to provide the average length of the inflorescence.

P. The specification has been amended at page 6, before line 14, to provide the average size of the individual flower.

Q. The specification has been amended at page 6, line 20, to correct the recitation “RHS 8A” and replace it with --Violet, RHS 84A--.

R. The specification has been amended at page 6, before line 14, to provide the average size of the floral tube.

S. The specification has been amended at page 6, line 15, to provide the RHS designation for the “white” color of the bud.

T. The specification has been amended at page 7, before line 1, to import information regarding the sepals.

U. The specification has been amended at page 7, before line 3, to import information regarding the pedicel and peduncle.

V. Additional information with regard to the stamen is unavailable. The specification has been amended at page 7, to import additional information relative to the stamen and filament.

W. The specification has been amended at page 7, to set forth the pistil number.

X. The specification has been amended at page 7, to import a description of the seed.

Y. The specification has been amended at page 7, to import the degree symbol.

Lastly, the specification has been amended throughout to change the varietal denomination of the instant plant from 'Cape Angels White' to --'K111201'--.

Due to the number of changes and/or corrections, Applicants hereby file a substitute specification containing no new matter. The Examiner is authorized to cancel the specification as filed in favor of the attached substitute specification.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should an improper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date:

June 21, 2004

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